

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FILED  
EDWARD W. NAGEL  
CLERK OF COURT

2022-12-07 AM 9:59

JOSE MARIA DECASTRO

*Plaintiff,*  
vs.

PAM WAGNER, in her individual  
and official capacities,  
BRAD SPOLJARIC, in his individual  
and official capacities,  
CHANCE BLANKENSHIP, in his  
individual and official capacities,  
EVAN MCKNIGHT, in his individual  
and official capacities,  
officer FOUCH, in his individual and  
official capacities,

*Defendants,*

Case No.: 22-cv-00204

Motion for Leave to File Response  
to Defendant's Judgment on the  
Pleadings and otherwise Respond  
to Order to Show Cause After the  
deadline

U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST DIV CINCINNATI

**PLAINTIFF'S MOTION FOR LEAVE TO FILE  
RESPONSE TWO DAYS LATE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Jose Maria DeCastro, appearing *pro se* in the above-  
titled cause, hereby files this his Motion for Leave to File his Response after  
the deadline has passed in accordance with FRCP 6 (b)(1)(B).

## REQUEST

Plaintiff makes this request for a 2-day enlargement of time to file his Response to Defendant's Motion for Judgment on the Pleadings and which also answers the Order to Show Cause DOC# 26.

## CAUSE

The Court should grant Plaintiff's request for an extension of time to respond to Defendants Motion for Judgment on the Pleadings until 12/7/2022 in consideration of the following:

1. The extension of time for 2 days will not prejudice any Defendant as this is the initial stage of the case.
2. The delay in filing Plaintiff's Response in opposition to the Motion to Dismiss is due to excusable neglect and was not intentional.
3. The potential impact of the delay on the judicial proceedings is not significant. There is no foreseeable change to the court schedule only that should the Defendants choose to reply to Plaintiffs opposition 30 days would be added to the actual date.

4. Plaintiff has acted in good faith but has been hindered in that he has not received 2 of the 3 Orders to Show Cause, which resulted in delayed responses from Plaintiff to this Court.

5. Plaintiff sent his Response to Defendant's Motion for Judgment on the Pleadings to his process server for filing and they arrived at the Court late for filing in person on Monday December 5<sup>th</sup>, which is within the deadline for responding. After finding that the Motion was not filed, Plaintiff needed an additional day to prepare and send this Motion for Leave to file with the Response.

### C. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that he be granted a 2-day enlargement of time and that the Court accept and file his Response in Opposition to Defendant's Motion for Judgment on the Pleadings.

DATED this 7 day of December, 2022.

*Jose Maria DeCastro*

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Jose Maria DeCastro, *Pro Se*  
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## CERTIFICATE OF SERVICE

I, Jose Maria DeCastro, Plaintiff in this matter, do hereby certify that, on the December 7, 2022, the foregoing document was sent to be filed in the captioned court and served upon the following defendants via the courts ECF system and/or regular mail:

**Dawn M Frick**

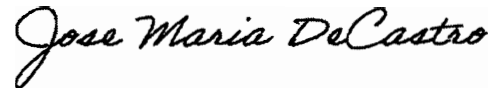
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